

**UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS**

**UNITED STATES OF AMERICA,**

**Plaintiff,**

**v.**

**JOHN MICHAEL RATHBUN,**

**Defendant.**

**MC Case No. 20mc93008-MGM**

**ORDER OF CONTINUANCE AND EXCLUDABLE DELAY**

**June 8, 2020**

MASTROIANNI, D.J.

Upon consideration of the Government's motion seeking an order of continuance and excludable delay, the Court finds as follows:

1. On March 13, 2020, the Court entered an Order Concerning Grand Jury Proceedings, in the matter of *In re: Coronavirus Public Emergency*, General 20-3. The Order provided that, because of the Coronavirus/Covid-19 public health emergency, all regularly scheduled Grand Jury proceedings in the District of Massachusetts were continued to April 27, 2020.

2. On March 30, 2020, the Court entered a Supplemental Order Concerning Grand Jury Proceedings, in the matter of *In re: Coronavirus Public Emergency*, General Order 20-4. The Order extended the period during which all regularly scheduled Grand Jury proceedings were continued to May 29, 2020.

10. On April 15, 2020, the defendant John Michael Rathbun (the "defendant") was arrested and charged by Complaint. (D.1). The defendant is detained. (D.12-13). On May 1, 2020, following a preliminary hearing, the Court found probable cause that the defendant committed the crimes charged in the Complaint. (D.24).

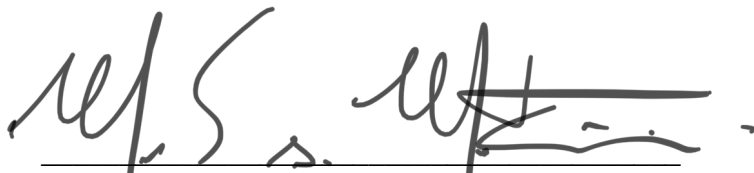
3. No Grand Jury proceedings are scheduled before June 2, 2020, which is the first date that a grand jury is currently scheduled to be in session after the expiration of the Court's Orders.

4. As a result of the Court's Orders, the Government will be unable to seek an Indictment in any of the above listed cases earlier than June 2, 2020.

5. Accordingly, the ends of justice served by granting the requested continuance for all of the cases listed above, and excluding the time period from April 15, 2020 through and including June 2, 2020 from the speedy trial clock, outweigh the best interests of the public and the defendant in a speedy trial pursuant to the Speedy Trial Act, 18 U.S.C. §§3161(h)(7)(A), and Sections 5(b)(7)(B) and 5(c)(1)(A) of the *Plan for Prompt Disposition of Criminal Cases* for the United States District Court for the District of Massachusetts (effective December 2008).

Accordingly, the Court hereby grants the Government's motion and **ORDERS** that, pursuant to the Speedy Trial Act, 18 U.S.C. §§3161(h)(7)(A), and Sections 5(b)(7)(B) and 5(c)(1)(A) of the *Plan for Prompt Disposition of Criminal Cases*, the period from April 15, 2020 through and including June 2, 2020 is excluded from the speedy trial clock and from the time within which an indictment or information must be filed in this case.

Nothing in this Order prohibits the defendant from seeking further review of any pending detention order.



**MARK G. MASTROIANNI**  
**UNITED STATES DISTRICT JUDGE**